

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
LARYSSA JOCK, et al.,	:	
	:	
Plaintiffs,	:	
	:	
on behalf of themselves and	:	Index No. 1:08 CV 2875 (JSR)
others similarly situated,	:	
	:	
-against-	:	
	:	
STERLING JEWELERS INC.,	:	
	:	
Defendant.	:	
-----	X	

**NOTICE OF MOTION TO REFER TO ARBITRATION AND STAY THE
LITIGATION**

PLEASE TAKE NOTICE that Plaintiffs hereby move this Court for an Order to refer this case to arbitration pursuant to the arbitration agreement entered into between the parties and stay the instant litigation. In accordance with the Court's instructions during the telephone conference on May 2, 2008, Plaintiffs hereby serve their Notice of Motion to Refer to Arbitration and Stay the Litigation and Memorandum of Law in Support of the Motion to Refer to Arbitration and Stay the Litigation on May 5, 2008, Defendant is to serve its opposition papers by May 19, 2008, Plaintiffs are to serve their reply papers by May 26, 2008, and a hearing is scheduled before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312 on June 2, 2008 at 4:30 pm.

Dated: New York, New York
May 5, 2008

Respectfully submitted,

**COHEN, MILSTEIN, HAUSFELD & TOLL
P.L.L.C.**

By: /s/ Joseph M. Sellers

Joseph M. Sellers
Jenny R. Yang (JY-9667)
Sahar F. Aziz
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
jsellers@cmht.com
jyang@cmht.com
saziz@cmht.com

Lynda J. Grant (LG-4784)
150 East 52nd Street, 30th floor
New York, NY 10022
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
lgrant@cmht.com

Sam J. Smith
Loren B. Donnell
Burr & Smith, LLP
442 W. Kennedy Boulevard, Suite 300
Tampa, FL 33606
Telephone: (813) 253-2010
Facsimile: (813) 254-8391
ssmith@burrandsmithlaw.com
ldonnell@burrandsmithlaw.com

Thomas A. Warren
Thomas A. Warren Law Offices, P.L.
2032-D Thomasville Blvd.
Tallahassee, FL 32308
Telephone: (850) 385-1551
Facsimile: (850) 385-6008
tw@nettally.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2008, I electronically filed the foregoing NOTICE OF MOTION TO REFER TO ARBITRATION AND STAY THE LITIGATION with the Clerk of the United States District Court, Southern District of New York, using the CM/ECF system, which sent notification of such filing to the following:

Gerald L. Maatman, Jr. (GM-3201)
gmaatman@seyfarth.com

Lorie E. Almon (LA-4937)
lalmon@seyfarth.com

David Bennet Ross (DR-8613)
dross@seyfarth.com

Richard I. Scharlat (RS-5127)
rscharlat@seyfarth.com

620 Eighth Avenue, 32nd floor
New York, New York 10018-1405
Telephone: (212) 218-5500
Facsimile: (212) 218-5526

I hereby certify that on May 5, 2008, I sent the foregoing NOTICE OF MOTION TO REFER TO ARBITRATION AND STAY THE LITIGATION via first class mail to the following:

ZASHIN & RICH CO., L.P.A.
Stephen S. Zashin
ssz@zrlaw.com
55 Public Square, 4th floor
Cleveland, Ohio 44113
Telephone: (216) 696-4441
Facsimile: (216) 696-1618

Attorneys for Defendant Sterling Jewelers Inc.

/s/ Sahar Aziz
Sahar Aziz